

NOT FOR PUBLICATION

(Document No. 5)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

GEORGE A. STRASSLE and	:	
TIMOTHY S. CARROLL,	:	
	:	Civil No. 12-3313 (RBK/AMD)
Plaintiffs,	:	
	:	
v.	:	ORDER
	:	
	:	
BIMBO FOODS BAKERIES	:	
DISTRIBUTION, INC.,	:	
	:	
Defendant.	:	
	:	

KUGLER, United States District Judge:

THIS MATTER having come before the Court upon Defendant's motion to dismiss Plaintiffs' Complaint for failure to state a claim upon which relief can be granted (Doc. No. 5), and the Court having considered the moving papers and responses thereto; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that Defendant's motion to dismiss is **GRANTED IN PART AND DENIED IN PART**. It is **DENIED** with respect to Defendant's motion to dismiss Count Three of Plaintiffs' Complaint. It is **GRANTED** with respect to Defendant's motion to dismiss Count One of Plaintiffs' Complaint for an injunction, although Plaintiffs will retain the right to seek such equitable relief as part of their substantive causes of action. Further, the Court

will **GRANT** Defendant's motion to strike Plaintiff's request for treble damages and lost profit damages to the extent consistent with the Opinion issued this date.

Dated: 3/12/2013

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge